

### **REMARKS**

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 1-29 and 31-46 stand rejected and claim 30 stands allowed in the Office Action mailed 07/13/2007. No claims have been amended, no new claims have been added, and no claims have been canceled in this Response. Accordingly, claims 1-46 are pending herein. Claims 1-46 are believed to be in condition for allowance and such favorable action is respectfully requested.

### **Rejections based on 35 U.S.C. § 103**

Claims 1-29 and 31-46 have been rejected under 35 U.S.C. § 103(a) based on various grounds of rejection. For at least the good and sufficient reasons previously made of record in the prosecution of this patent application, the claims are patentable over the cited references. Nonetheless, the Examiner has not found these reasons to be persuasive. Rather than belabor such issues, however, Applicants submit herewith the Declaration under 37 C.F.R. § 1.131 of the inventors, Craig A. Link, Nicholas Berry, and Dean M. Pachosa. The Declaration includes, as Exhibit A, a copy of a “bug” tracking the release of a version of the MSN Gaming Zone that implemented the claimed invention, and Exhibit B, a Patent “Predisclosure” Document that describes the invention in preparation for an invention disclosure meeting.

The Office Action of 7/13/2007 stated that the Declaration filed 11/1/2006 was insufficient to overcome the references because it contained insufficient factual evidence. The present Declaration includes Exhibit B, which describes embodiments of the invention in detail. The present Declaration clearly points to parts of Exhibit B that evidence completion of the invention. Specifically, aspects of Exhibit B that became part of the claims are pointed out with particularity in the present Declaration.

The Declaration, together with Exhibits A and B, establishes that the subject matter set forth in claims 1-46 of the present application was completed (conceived and reduced to practice) before the effective filing date of July 22, 1999 of U.S. Patent No. 6,298,341 to Mann et al. (the "Mann reference") and the publication date of May/June 1999 of Scott Nesbitt, "Web e-mail services", Link-up, Medford:MA, May/June 1999, Vol. 16, Iss. 3, p. 24 (the "Nesbitt reference"). Accordingly, the Declaration removes the Mann reference and the Nesbitt reference from consideration. As each of the grounds of rejection of claims 1-29 and 31-46 include either or both of the Mann and Nesbitt references, the rejections of the claims should be withdrawn. As there is no other basis for rejecting any of the claims, Applicants respectfully request allowance of claims 1-46.

### **CONCLUSION**

For at least the reasons stated above, claims 1-46 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-46. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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